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10/675,443

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EXAMINER

POLLACK, MELVIN H

ART UNIT

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2445

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/675,443 | Applicant(s) KARAOGUZ ET AL. | |
| | Examiner MELVIN H. POLLACK | Art Unit 2445 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 15 July 2009 have been fully considered but they are not persuasive. An analysis of the arguments is provided below.
2. For the purposes of advancing prosecution, examiner has mapped the claims to better explain the rejection.
3. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). West teaches not only the timing of association and assignment, but also transferring the address.
4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., particulars of assignment) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
5. Applicant misunderstands the communications in Dynarski. In the particular case, the home agent does not initiate communication but instead handles a communication from terminal 10 wishing to connect to terminal 14 on a different network. Examiner considers the steps of assigning or associating addresses to include activities such as routing packets, address translation, and device location and authentication, which is performed by the headend.
6. Therefore, the rejection is maintained for the reasons above. This action is final.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dynarski et al. (6,272,129) in view of West et al. (6,934,754).

9. For claims 1, 11, 21, Dynarski teaches a method and system (abstract) for setting up devices for communication (col. 1, line 1 – col. 3, line 35), the method comprising:

- a. in a communication network (col. 4, lines 34 – 45) comprising a headend, wherein said headend enables access to said communication network for at least a first device (Fig. 1, #22; home agent),
- b. assigning, by said headend, an address to said first device coupled to said communication network (Fig. 1, #14), wherein said address is associated with said first device in said communication network at a time of said assigning (col. 5, lines 3 – 62); and
- c. in response to said headend receiving an identifier of said first device from said first device, communicating, by said headend, one or both of said transferred assigned address and/or said identifier of said first device to at least one communication server coupled to said communication network (col. 6, line 55 – col. 8, line 50).

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10. Dynarski does not expressly disclose that said address is associated with said first device in said communication network at a time of said assigning, nor transferring, by said headend, said assigned address to said first device. West teaches a method and system (abstract) of setting up devices for communication (col. 1, line 1 - col. 4, line 40; col. 12, line 60 - col. 14, line 5) wherein a headend develops connections (col. 4, line 40 - col. 5, line 20) such that the assignment and association occur at the same time (col. 5, line 40 - col. 6, line 40) and wherein the headend transfers the address to the device and to the remote server (col. 7, lines 10 – 50; col. 8, lines 10 – 20; col. 9, lines 40 -55). At the time the invention was made, one of ordinary skill in the art would have added West to Dynarski in order to improve address management (col. 2, lines 5 – 55).

11. For claims 2, 12, 22, Dynarski teaches detecting, by said headend, when said first device is initially coupled to said communication network prior to said assigning of said address to said first device (col. 4, line 45 – col. 5, line 3).

12. For claims 3, 13, 23, Dynarski teaches that said assigned address of said first device is one of a static address, a dynamic address, or an embedded device address; and said identifier of said first device is one of a digital certificate and a serial number (col. 5, lines 3 – 62; IP address, Electronic Serial Number).

13. For claims 4, 14, 24, Dynarski teaches whereto said one or both of said transferred assigned address and/or said identifier of said first device is registered with said at least one communication server (col. 6, line 55 – col. 8, line 50).

14. For claims 5, 15, 25, Dynarski teaches broadcasting said one or both of said transferred assigned address and/or said identifier of said first device throughout at least a portion of said

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communication network by said at least one communication server (col. 6, line 55 – col. 8, line 50).

15. For claims 6, 16, 26, Dynarski teaches receiving said broadcasted one or both of said transferred assigned address and/or said identifier of said first device by a second device located in said at least a portion of said communication network (Fig. 1; col. 4, line 45 – col. 5, line 3).

16. For claims 7, 17, 27, Dynarski teaches that said first device communicates with said second device utilizing said received broadcasted one or both of said transferred assigned address and/or said identifier of said first device (Fig. 1; col. 4, line 45 – col. 5, line 3).

17. For claims 8, 18, 28, Dynarski teaches a second device desiring to communicate with said first device via said communication network requests said one or both of said transferred assigned address and/or said identifier of said first device from said communication server (Fig. 1; col. 4, line 45 – col. 5, line 3).

18. For claims 9, 19, 29, Dynarski teaches that, in response to said request, said second device receives said one or both of said transferred assigned address and/or said identifier of said first device from said communication server (col. 6, line 55 – col. 8, line 50); and said second device transfers media between said second device and said first device utilizing said received one or both of said transferred assigned address and/or said identifier of said first device (col. 4, lines 35 – 45).

19. For claims 10, 20, 30, Dynarski teaches said second device requests said one or both of said transferred assigned address and/or said identifier of said first device from said communication server based on a known location of said first device (col. 4, line 45 – col. 5, line 62).

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELVIN H. POLLACK whose telephone number is (571)272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. H. P./
Examiner, Art Unit 2445
17 October 2009

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2445